UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

SHANE COSSEY and FRANK POWLESS,

Plaintiffs,

V.

No. 9:04-CV-1501 (FJS/GHL)

JOSEPH DAVID, Superintendent; MR. HEATH, Deputy of Programs; CAPTAIN JOSEPH BELARGE; AND REVEREND J.W. PRISK,

Defendants.

APPEARANCES:

OF COUNSEL:

SHANE COSSEY, 04-B-1290 Plaintiff, Pro Se Washington Correctional Facility P.O. Box 180 Comstock, NY 12821

FRANK POWLESS, 03-B-2646 Plaintiff, Pro Se Washington Correctional Facility 72 Lock 11 Lane PO Box 180 Comstock, New York 12821

HON. ANDREW M. CUOMO MEGAN M. BROWN, ESQ.
Attorney General of the Assistant Attorney General State of New York Counsel for Defendants The Capitol Albany, New York 12224

FREDERICK J. SCULLIN, JR., S.J.

DECISION AND ORDER

The Court has reviewed Magistrate Judge George H. Lowe's
August 27, 2007 Report-Recommendation and the entire file in this
matter. On September 23, 2007, the Court advised the Clerk's
Office to update plaintiff Powless' address and to extend his
deadline to file objections to October 17, 2007. See Dkt. No.
56. Thereafter, plaintiffs filed no objections to said ReportRecommendation. Accordingly, the Court hereby

ORDERS, that Magistrate Judge Lowe's August 27, 2007 Report-Recommendation is ADOPTED in its entirety for the reasons stated therein; and the Court further

ORDERS, that Defendants' motion for summary judgement is GRANTED.

IT IS SO ORDERED.

DATED: October 29, 2007 Syracuse, New York

Frederick J. Scullin, Jr.

Senior United States District Court Judge